

*#9 Law vol. 8.*  
A  
CHARGE

Given to the  
GRAND-JURY  
Of the COUNTY of  
GLOUCESTER,  
AT THE  
Midsummer-Sessions,  
1723.

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By Sir RICHARD COCKS, Bar<sup>r</sup>.

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The Second Edition.

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L O N D O N,

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(Price 4 d.)

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CHARGE

Given to the

GRAND-JURY

Of the Court of

GLoucester



Middlesex Sessions

1755

By Sir Richard Gough, Bart.

Esq. Recorder of the County

LONDON

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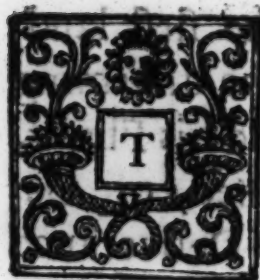
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( 3 )



Sir RICHARD COCKS  
HIS  
CHARGE, &c.

GENTLEMEN,



THE great Infirmities of my  
Body forced me for some  
Years last past to decline  
all Publick Businefs : and  
tho' I am now very little  
better, nor indeed will my  
Age give me leave to expect much A-  
mendment ; yet the Desires, or rather  
the Commands of the Gentlemen and  
Freeholders, to whom I am so much in-  
debted,



debted, are of more force than, and superiour to, my own Inclinations, and just Excuses. I am therefore once more come amongst you, and I cannot but think it probable, that in this Juncture of Affairs, you will expect and require from me some account of our present Circumstances. Give me leave therefore to look a little back : And from that Reflection I must observe to you, that out of Gratitude as well as Duty, we ought to be the most sober and religious People in the World ; for there is no Nation under Heaven, that can shew so many signal, wonderful, and miraculous Preservations from the visible and immediate Hand of Providence.

Some of you remember the first landing of King *William*, and the disarming the Army of King *James*, and his Flight, I may say, without Bloodshed, or Devastation, and the seasonable Deliverance from Popery and Slavery, two very dear and inseparable Companions ; and after that, you cannot forget the Attempts and Conspiracies form'd against the Life of that Instrument of Heaven, nor their  
ruinous



ruinous and destructive Schemes to the Protestant Interest in Queen *Anne's* time; and the Invasions since his Majesty's Accession to the Throne, are fresh in every one's Memory. From all these, God has in a wonderful manner preserved us: But neither these Miracles, nor Time, their Oaths, nor the King's Clemency, nor any Tie, Gratitude, or Obligation, can extirpate the Malice, or extinguish the Ambition of a restless Party amongst us, who cloak all their Villanies under the Pretence of Religion, and a feigned Zeal to restore the Injured and Oppressed to their Right. They have therefore, in despite of all that is sacred amongst Mankind, in violation of their Oaths, notwithstanding all the Discouragements and Disappointments they have met with, endeavoured to destroy the present Protestant Possessor of the Throne, and his Royal Family, and to set up in his and their places, a bigotted Popish Pretender. They have in the most solemn manner sworn to support and defend the Protestant, and they have in as solemn a manner renounced and abjured the Papist: But to palliate these Matters, and to excuse these

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unheard-of Villanies, as I before observ'd, they pretend a Concern for the Church, and a Zeal to restore an Injured Prince to his Right. The honest Heathens accommodated their Conveniences to their Oaths; these Men violate their Oaths, I will not say to serve their Conveniences, but what is very far from it, to ruin both Us and Themselves. If Oaths shall once be esteemed insignificant, what must become of Property, and even in Civil Contests, what can be relied on as Evidence to determine our Rights? What Obligation can Art or Invention imagine, or find out, to supply the Place of Oaths? What Security can a Prince possibly have from his Subjects for their Allegiance, or what Assurance can the Subjects ever have from their Princes, of their good Government and Protection, if Oaths may be dispensed with at the pleasure of the Taker? There can be no Confidence, no Assurance possibly given on either side, but the World must be filled with Mistrusts, Bloodshed, and Ruin. Farewel mutual Peace, Sincerity, and Tranquillity!

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As for Obedience due to Princes, from the Scripture, and the Judgments pronounced against the Blasphemers of God's Holy Name, which must in the highest degree attend Perjury; I will leave those things to the Clergy to instruct you in. For tho' there has been one of the Highest Order guilty of that Abomination, and I fear more than one of the Inferiour; yet I hope and believe, that there are many good Men of that Order, that have not bowed their Knees to *Baal*, and that they will therefore the more earnestly inculcate into you this so necessary a Duty of religiously observing Oaths.

I told you that these Violaters of Oaths amused themselves, and endeavoured to seduce others, and became bewildred by an *Ignis Fatuus*, by a foolish Notion of a Right in the Pretender: What Right, what Pretence of any Right can there be? Every one that knows any thing of our Excellent Constitution, knows that long before these Days, it was highly Criminal to say, That the Parliament could not dispose of  
the



the Crown : And I pray you now, let us consider and examine King *George's* Title ; and if we find it a good one, we may fairly conclude, no other Person can have any. Did he come to the Throne by Force, Bribery, or by artful Sollicitation, or by your voluntary Invitation, by Act of Parliament made upon the justest and most justifiable Reasons imaginable, for the easy, happy, and good Government of the present Generation, and of future Posterity, for the End and true Design of Government itself? People were not made for the Service and Pleasure of their Governours ; but the very End and Design of Governours and Government, was for the Advantage and Security of the People.

The Wise and Great Prince that then filled the Throne, Good as well as Wise and Great, and his judicious Council, met in Parliament ; and perceiving and foreseeing the Misfortunes that were like to befall the Nation upon the Death of the Duke of *Gloucester*, who was the last Protestant Prince on whom the  
Crown

Crown was intail'd; and having learned by so late an Example the Miseries that must unavoidably overwhelm the then flourishing Nation, if a Papist should ever be again placed on the Throne: To prevent those Absurdities, those just Fears and dismal Views, they settled the Succession to the Crown not upon the next Lineal Heir, that might or should be a Protestant; for that might, and probably would, have bred vast Confusion and Disorder, and would not have answered the Ends of securing the Peace and Tranquillity of the Kingdom: For what Papist could not have been dispensed with by the politick and irreligious Church of *Rome*, in order to have capacitated him to have taken possession of the *British* Throne, to have served their wicked Purposes? There was therefore in the second Entail no incapacitating Clause, to bar the Right of any other Papist, but the Pretender's empty Claim: and that not because there was any Right in it, or any Pretence or Colour of Right, but because then some Princes (Enemies to our Religion and Nation) the better to colour their Ma-

lice and Ill will towards us, and to se-  
 duce the turbulent Spirits amongst us,  
 and the more to encourage those whom  
 that horrid Religion of Popery had  
 forced on all Occasions to disturb our  
 publick Peace, endeavoured to make  
 the World believe that they assisted the  
 Pretender, and espoused his Quarrel, on-  
 ly to recover a Right inherent in him.  
 To remove all Difficulties therefore out  
 of the Minds of rational Men, not bi-  
 gotted by Popery, or distracted by Po-  
 verty, or blinded with vain imaginary  
 Hopes of Places and Preferments from  
 the Ruins of the Publick; which Am-  
 bition and vain imaginary Hopes too  
 much influence many, for which we suf-  
 fer: To remove all Difficulties, all Un-  
 easinesses out of the Minds of honest  
 and rational Men, this absolute, supreme,  
 governing Power renounced and abjured  
 the Pretender, and set a Price upon his  
 Head, to reward any that would destroy  
 him, or take him alive, in order to have  
 him receive condign Punishment for his  
 impudent and impertinent Pretences:  
 And this Dictatorial Power then set-  
 tled the Reversion of the Crown on a  
 remoter



remoter Branch of the Royal Family, that had long been, and were then Protestants. They did not leave the Succession at random, but settled it upon deep and wise Thought, upon mature and deliberate Consultation, upon Foresight, not Compliment; that is, upon the true Rules, and Foundation of Government, so long as probably they should be capable of well-governing the People: that is, so long as those of that Family should be Protestant Princes, they should by an Hereditary Right succeed one the other.

These are the *Pacta Conventa* founded upon the best Reason, agreeable to the very fundamental Rules of Government between the People of *Great Britain*, and the *Hannoverian* Family: To this Settlement we swore in Queen *Anne's* time, and have done the same very often since. This Settlement appeared so just and reasonable, that at the General Peace those that were the Pretender's Friends, and the Popish Princes and Potentates, as well as Protestants, swore to support it, or to be Guarantees

for it. What Prince in the World has a better Title than King George, or what Pretender a worse Title than the Chevalier of St. George? Of which I could tell you more, were it worth time, or any way necessary.

To set all this in a clear Light suitable to your Capacities, let me ask you this Question: If any Neighbour of yours should tell you that he had an honest good Landlord, and a good Bargain, but that a meddling Fellow had told somebody that his Landlord had no good Title to the Estate he had lett him, but that the Right was vested in one unknown to him; that he had the Character of being a very hard cruel Man that would ruin his Tenants; and if this Neighbour should tell you, that because this Busy-Body had told somebody that his kind honest Landlord had not a good Title, and because he could not rent that Estate of the hard cruel Landlord, he resolved to leave his good Bargain, and his good Landlord: Would you take this nice conscientious Man to be very wise? And if you please to consider of it, this will

will appear to be the very Case of all our *Protestant Discontents*: I think all we ought to aim at, is to be well governed; and then if that happens, I am sure, for my part, I will neither at present, nor hereafter, ever be troublesome-ly inquisitive about my Prince's Title. I never had any particular Favour, more than an Opportunity of spending my own Money in the publick Business, from any Prince; I never so much as saw King *George*, or any of the Royal Family, nor the Pretender, or his Progeny: I have, it is true, sworn to King *George*, and abjured the Pretender; but if it were possible for me to believe, that King *George* and his Family were Papists, and the Pretender and his Family were Protestants, I believe I should be sooner for the Pretender, than for King *George*; and this I may lawfully say, for all my Oaths. For a Papist is, as I have demonstrated to you before, incapable of inheriting or possessing the Throne by our Laws, made upon the truest Reason and consummate Wisdom of the Nation.

Had



Had I lived in the Times of *York* and *Lancaster*, I believe I should have been a Neuter; our Laws, and Liberties, and Religion, were no ways concerned in that Quarrel; which-ever Side prevailed, they remained unshaken, and equally secure. In our modern Contests, Men generally mistake the Question; when they say, such a one is for King *George*, and such a one is for the Pretender, the true State of the Case is, Whether Men are for or against themselves? And to speak plainly, I am for myself, and for that reason I am chiefly for the present Establishment. Those that are Protestants, if they are for King *George*, are for themselves; if they are for the Pretender, they are against themselves, tho it may be there are some Men that do not look so far. If a private Man should prove lunatick, if he were Master of a Family, the Law would appoint him a Guardian, and not leave his Family and Estate to be managed by his Care, who was incapable of taking care of either: If the eldest Son, on whom the Estate and Honour was intailed, should

I should lose his Senses, the Father, in  
 order to preserve the Honour and Estate  
 in his Family, would procure an Act of  
 Parliament to disinherit him, which is  
 visible in the late Act that passed for the  
 Service of my Lord *Digby* and his Family;  
 in which Case, had we time, I could  
 tell you some Things worth your Obser-  
 vation: But this I will take notice of to  
 you, that we ought most certainly to be  
 more concerned for the Prosperity and  
 Welfare of the People of these united  
 Kingdoms, than for any private Family,  
 tho' the greatest in the Kingdom.  
 To exemplify this; Was a King mad,  
 would you let him go at large, to kill  
 whom he pleased, and to commit any  
 Outrage his Frenzy and wild Fancy  
 suggested to him? And how much  
 sooner ought you to tie the Hands of a  
 Papist, were he King, and to exclude  
 those from the Hopes of Succession to  
 the Crown, that were bred up with  
 those ruinous and destructive Principles  
 to a Protestant People, which they call  
 Religion, obliging them to keep no Faith  
 with Hereticks, nor observe any Oaths  
 made to them, but to extirpate them  
 and

and their Religion, Root and Branch? All which is proved too evidently, not only by their Books and Tenets, but by their Practices and Attempts, too many to enumerate. There are some Wise Men in their own opinions, who are pleased to tell us, That a Popish Prince may be safely trusted with the Charge of a Protestant People: But these Men do rather want a Keeper to look after them, than an Argument to convince them.

The Disturbers of the Peace of the Protestant Establishment, make a great Outcry against the Government, on account of the many unfortunate Sufferers by the *South-Sea* Scheme: And what is more in this than mere Calumny? Did the Government force them to engage in that unhappy Project, or their own Covetousness and Pride? And what has the Government to answer for that? Is the Government to be blamed for our irregular and unaccountable Passions?



*Gentlemen,*

Could we but look into the Secrets of these Men that would, and do delude us, under a colour of Zeal for Right and Religion; we should then find all their Aims and Intentions to be only a strong Desire to set the World in an uproar, out of hopes, that in the scramble they may possibly get something to gratify their Ambition, or to supply their Necessities? You may depend upon it, that those Men who value no Oaths, have no Religion; and yet, as I observed before, they seduce others, sometimes by their pretended Concern for the Danger of the Church, sometimes by a pretended Zeal for Right. Would they but speak plainly, and tell us the Truth, which is this; That if they could breed Discord amongst us, and by the help of our Follies, and their own Arts, they could set the Pretender on the Throne, that then they expected to share and divide amongst themselves, all the Places of Honour and Trust in the Kingdom: Would they discover this visible

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Matter of Fact to you, and tell you in intelligible Words, that they desired your Assistance to bring in Popery, and to change our admirable Constitution for Slavery, only to make them great and rich ; in my Conscience, you would sooner consent to hang them, than to give them an Helping-hand for such a purpose. And this seems to be an irresistible Truth past all Contradiction ; for we have seen the most Distinguished, because the worst Opposer of our Peace and happy Establishment, change his Side intirely, the first Opportunity he had of changing his vain imaginary Hopes for certain Honours and Advantages.

I give these Instances, not only to convince you that the sole Prospect of these uneasy religious Deluders is no more in reality but a strong Intention to advance themselves ; which if they can by any means accomplish, they will then leave their blind deluded Followers and Party to shift for themselves : But I mean from these Instances to persuade all those that have been de-

de-

deluded, to forsake such worthless and dangerous Leaders, and to throw themselves into the Arms of a merciful and gracious Prince, whose Favours to such branded Offenders may give them sufficient Assurance, that those who have only been deluded, need never fear Forgiveness, but may expect any Favour they can in reason desire. Had I Time and Leisure, I would expose all their Cheats and Artifices to your View.

They tell us, and I think deservedly, that if there was a Plot and Conspiracy, why were not more of the detected Criminals executed? If there was no Plot, why were so many confined and punished? As for the Plot, I believe all the Particulars I mentioned are so plain and visible, that no one will deny them, but those that are acquainted with them; and why they have not been punished according to their Merit, is to me unaccountable: but this I dare affirm, that they who receive Advantages to themselves or Friends from Clemency,



mency, have very small reason to make Reflections on it: But this is like the Party!

*Gentlemen,*

You have heard the Proclamation against Vice and Immorality read, and you find by it, that I am obliged to enforce it to you: You all remember the Book that tells us, *Because Judgment is not speedily executed, therefore do the Sons of Men give themselves over to work Wickedness.* The old Heathens observed, that so long as they lived virtuously, according to the Rules of Reason and Religion, every thing they undertook went well with them, and succeeded at home and abroad; but when they gave themselves up to Luxury and Debauchery, and neglected their religious Duties, every thing went contrary; they became poor at home, and contemptible every where; they were divided in their Opinions, subject to the Insults of pitiful Enemies, and molested with intestine Discords and Civil Wars.

Con-

Consider with yourselves, as amongst your own Acquaintance, and you will easily perceive, that those Families who live in the Fear of God, live in his Favour, in Health, Prosperity, and Plenty; when the Dissolute and Immoral not only beggar their Estates, and become necessitous, but often shorten their Days, and come to untimely Ends, the just Reward of their Wickedness and Follies. A Kingdom is but one great Family, composed of many little ones, and it fares with that great united one, as it does with every divided single one: Dominion and Power are translated and conveyed from the Vicious and Wicked, to the Virtuous and more Good. From whence proceed our Perjuries and Conspiracies, but from the Contempt of God, and the Neglect of Religion? Would you live in Peace and Plenty at Home, would you become great and esteemed Abroad; I may say these great Blessings are in your own reach and power, there is no more to do, than to become a sober and religious

gious People; and in order to accomplish so great an End, and to perform so necessary a Work, we must punish Vice, and discountenance Immoralities. Punishments and Fear of Penalties make Men considerative, and Consideration makes Men wise, and Wisdom makes Men religious.

I can't part with you, without putting you in mind of the particular Obligation that is incumbent on Us and You, to be very circumspect in our Lives and Conversations, for these Reasons: for with what Assurance can a debauched immoral Justice recommend Virtue and Piety to you? And with what Confidence can a profane Juryman present those Irregularities, which, it may be, his own unthinking Self, by his ill Example, has occasioned. Let us at last grow wise; let us become a sober and religious People; let us leave off Faction, and let us unite for our common Safety and Preservation: “ Let there be no other Distinction heard  
“ of amongst us, but of those that are  
“ for a *Protestant Prince*, and the pre-  
“ sent



" *sent Establishment* : and of those that  
" *are for a Popish Prince, and a French*  
" *Government.*" These were some of  
the last Words King *William*, of Glo-  
rious Memory, spoke to us ; and with  
these I chuse to conclude, hoping that,  
for his sake, they will make the more  
lasting and deeper Impression on you.



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